

# CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview, and Yellowstone County”

**Board Attendance Roster:** Please note: “E” stands for excused absence, “A” stands for un-excused absence, “1” stands for present, “Z” stands for Zoom participation. **BYLAWS, YELLOWSTONE COUNTY BOARD OF PLANNING, (Amended. May 25, 2004) Section 4. Absences and Removal A.** Each member shall inform the Planning Director at least one day before the meeting of his/her inability to attend a Board or Committee meeting. Such an absence shall be considered an excused absence. If any Board member accrues three (3) or more consecutive unexcused absences from regular meetings, notice of which has been given at his/her usual place of work or residence, or by announcement at a meeting attended by him/her, the President may call such absences to the attention of the Board which may then recommend to the appointing authority that such member be asked to resign and that another person be appointed to serve out the unexpired term. Schedule: (\*\* denotes a Wednesday meeting)

	Position	01/10/2023	01/24/2023	02/14/2023	02/28/2023	03/14/2023	03/28/2023	04/11/2023	04/25/2023	05/09/2023	05/23/2023	06/13/2023	06/27/2023	07/11/2023	07/25/2023	08/08/2023	08/22/2023	09/12/2023	09/26/2023	10/10/2023	10/24/2023	11/14/2023	11/28/2023	12/12/2023
<b>Jim Ronquillo</b>	Mayor/Billings Ward I	1																						
<b>Roger Gravgaard</b>	Mayor/Billings Ward II	1																						
<b>Dennie Stephenson</b>	Mayor/Billings Ward III	1																						
<b>John Staley</b>	Mayor/Billings Ward IV	1																						
<b>David Nordel</b>	Mayor/Billings Ward V	1																						
<b>Troy Boucher</b>	YC District 1																							
<b>Dennis Cook</b>	YC District 2	1																						
<b>Vacant</b>	YC District 3	-																						
<b>Vacant</b>	YC District 4	-																						
<b>Woody Woods</b>	YC District 5	1																						
<b>Vacant</b>	YC District 6	-																						
<b>Vacant</b>	YC District 7	-																						
<b>Vacant</b>	Y County Cons. District	-																						
<b>Scott Reiter</b>	<b>Ex-Officio SD2</b>	E																						

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## CITY/COUNTY PLANNING BOARD

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**JANUARY 24, 2023**

*Approved by a motion on February 14, 2023*

### **PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.**

As legally advertised, The Yellowstone County Board of Planning met on January 24, 2023 in the Miller Building 1<sup>st</sup> Floor Conference Room.

Citizens are invited to:

→Review the Agenda Packet on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>

→View the meeting live online at Facebook: <https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260>

Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to Board via email before 10:00 AM on the meeting date. All e-mails received prior to this time will be read into the record for the public hearing. Comments may be submitted by:

- Mail: City/County Planning Division, 2825 3rd Ave N 4th Floor, Billings, MT 59101
  - Email: [deinest@billingsmt.gov](mailto:deinest@billingsmt.gov)
- Call in during the Public Comment periods as indicated on the agenda:
  - Citizens may call in during specific Public Comment periods at **406.237.6165**. All callers will be placed in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be limited to 3 minutes of testimony as is customary. Future delivery methods may be explored as best practice is learned.

**1. Call the Meeting to Order:** President Cook called the meeting to order at 6:00 p.m. on Tuesday, January 24, 2023.

#### **Introduction of Planning Board Members and Planning Department Staff**

President Cook called for introductions of the members of the Planning Board and staff.

**Participating Planning staff members:** Wyeth Friday, Director, Planning & Community Services Department; Monica Plecker, Planning Division Manager, Lora Mattox, Transportation Planner; Elyse Monat, Alternative Modes Coordinator

#### **Others in Attendance:**

**2. Approval of Agenda – Board member Woods made a motion and it was seconded by Board member Stephenson to approve the agenda as submitted. The motion carried with a unanimous voice vote.**

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### 3. Approval of Minutes: December 13, 2022

**Motion by Board member Stephenson and seconded by Board member Woods to approve the December 13, 2022 meeting minutes as submitted. The motion carried with a unanimous voice vote.**

**4. Public Comment:** President Cook asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public might be heard on any subject that is not on the agenda; the Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting agenda for discussion.

**5- 6. Disclosure of Outside (Ex Parte) Communication or Conflicts of Interest– Board Members and Planning Staff.** There were no disclosures of outside communication or conflicts of interest. There was none.

**7. OLD BUSINESS** There is No Old Business.

### 8. NEW BUSINESS:

**8a. Public Hearing. Staff Presentation and Planning Board Discussion. Adding Grand Avenue from Shiloh Road to 62<sup>nd</sup> Street West to the Urban System. Scott Walker, Transportation Coordinator, presenting.**

Scott Walker opened this agenda item. Hard copies of the area map and the Draft request letter for MDT were provided to the members of the Board. Mr. Walker explained this request as this section has experienced a lot of growth, traffic issues, and new retail businesses. This recommendation is to forward a letter for a MDT Urban System review of this section of Grand Avenue and 62<sup>nd</sup> Street West. He continued and gave an overview of the Urban Area System Map and explained the classifications.

#### **Discussion**

Board member Staley asked why the area would not be continued to 54<sup>th</sup> Street West to Rimrock and Scott Walker replied that Rimrock Road is already classified on the Urban System. Board member Woods commented that this area would extend outside the City limits to reach the current development and beyond. In response to question by Board member Stephenson, Scott Walker explained that this addition to the urban system will add availability of federal monies for future projects through the transportation planning process. Board member Nordel asked regarding snow removal for the area. Scott Walker responded that from a planning standing point, this request doesn't address maintenance but it is the initial request for classification of the road type for consideration of future bigger projects. Director Wyeth Friday asked for clarification of the planning process. Scott Walker said this request is a part of the transportation planning process. A public hearing will be held this evening and this item will return to the Planning Board for a motion and recommendation to PCC. This request will be followed with considerations for approval by the City Council, the Board of County Commissioners, and the MDT District Administrator. Planning Board President Cook will take the letter to PCC for formal signatures, and PCC will convene in February and make a formal recommendation. Per request of Board member Nordel, Scott Walker explained the process for obtaining Federal funding for transportation projects classified for the urban system.

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### **Public Hearing**

President Cook read aloud the public hearing guidelines and opened the public hearing. He asked if there is anyone wishing to speak in favor or against this agenda item.

### **Nikki Zimmer, (no address given)**

Ms. Zimmer commented this would need to happen prior to construction or widening. She said she noticed the need for improvements while driving Grand Avenue recently.

### **Mike Black, Yellowstone County Public Works**

Mr. Black applauded the efforts of the Planning Division and the Planning Board's attention to this corridor. He pointed out that having additional federal funding for projects makes the cost lighter for tax payers.

### **Discussion**

President Cook called for questions and discussion from the members of the Board. President Cook asked if annexation is a separate process. Director Friday said there are a few areas from Shiloh to the West that are located within the City but the bulk of this requested urban area is located in the County. Scott Walker said this is an ideal project to span both City and County jurisdictional entities.

There was no further public comment on this agenda item. President Cook closed the public hearing. Planning Board will forward a motion to PCC during the January 24, 2023 meeting.

### **8b. Presentation. Board Discussion. BPAC Annual Presentation. Elyse Monat, Active Transportation Planner.**

Ms. Monat introduced BPAC members Nikki Zimmer and David Coppock, who is the Planning Board liaison for BPAC. Ms. Zimmer distributed hard copy maps of the Billings area Bikeway and Trails Master Plan. Mr. Coppock voiced his respect for the members of the Board and opened the presentation. Mr. Coppock expressed his desire to work with the community to ensure opportunities to add to the trail system are not missed. Per request of the Board Elyse Monat provided and explanation of Neighborhood Bikeways, shared lane markings, bicycle sharrows and bike lanes.

### **Billings Area Bicycle Pedestrian Advisory Committee Annual Report:**

**Who we are:** Chair: Nikki Zimmer (County); Vice Chair: Anna O'Donnell (City); Margy Bonner (City); Joan Schey (County); Dave Coppock (Planning Board); Kristi Drake (City); Vacant County Seat (County)

**Focus: Ensuring that our community's infrastructure enables people to walk, bike or use a wheelchair safely.**

### **What we do:**

- Advise city and county in regards to non-motorized transportation issues
- Ensure advice is rooted in community need by soliciting and compiling public comment trends

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- Maintain relationships with governing bodies Billings City Council and Yellowstone County Commissioners
- Use the Billings Area Bikeway and Trails Master Plan as guidance



## →Public Comment on Non-motorized Transportation Needs:

- Public comment at monthly meetings
- Online comments report from City County Planning
- Survey to get input from the public on issues facing Billings and Yellowstone County residents in regard to biking and walking
- BPAC will collect these survey responses for 3 months and will use this list to prioritize the top issues for which to advocate and improve
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## →Public Input and Concerns:

- Survey results (survey in progress)
- crosswalks
- Bike/pedestrian crash police reports
- Driver education and law enforcement is key to avoiding bike pedestrian/motorist conflict
- Public comment
- Trail signage
- Trail maintenance
- Crosswalks and enforcement of crosswalk violators

## →Trail Counts

**→Moving Forward. Strategic Projects:**

1. Conduct a public outreach campaign to solicit more public input and educate the public related to biking, walking, rolling and accessibility
2. Find a partner organization to apply for a Recreational Trails Program Grant or Montana Trail Stewardship Program Grant to build and maintain trails
3. Work with the City/County to strengthen or create an overarching policy/policies to incorporate people biking and walking in the design of the built environment.
4. Make recommendations to the Billings Area Bikeway and Trails Master Plan as it is updated in 2023-2024.

**Discussion**

President Cook called for question and discussion from the members of the Board. Board member Nordel recommends highlighting high risk areas on the map so concerns are carried forward. In addition, he suggested working with user groups to obtain information on problem areas and using a priority list. Elyse Monat explained that the Bikeway and Trail Master Plan contains crash data that was collected to consider and rank intersections. She said updated data will be available through MDT. Board member Staley suggested contacting Derek Yeager, Director of the Joint City/County Emergency Communications center to provide local data. Discussion followed on the limited view shed for pedestrians and bicyclists due to landscaping on the roundabouts and the lack of flashing warnings. Elyse Monat said staff received public comment and will continue to work with the Public Works Department to implement crossing improvements. Board member Nordel said he would like to see a safety priority list created to have programming in place. He stressed the need for planning in order to be successful. Board member Woods asked if there has been consideration of creating a city-wide assessment district for cost of improvements similar to what Lockwood has done. He commented on the information available to update the map in the Lockwood area. Director Friday said there is an ongoing discussion throughout the CIP process to consider prioritization of available funds to use them for non-motorized projects in conjunction with street projects. Board member Woods said trail maintenance is a huge aspect. President Cook asked if the planning radius with work with Dover Memorial Park. Staff responded BPAC will advocate for County for future projects within areas needing attention. Mike Black commented on the growing student populations in area schools. There are concerns with getting students to and from school safely and the traffic is taxing the existing County “farm to market” roads that have grown into corridors. Board member Staley interjected and said there are places in the County with residential areas without sidewalks. Division Manager Plecker commented on challenges when working with creating special improvement district spanning the City and the County. She said the legislature needs to be a mechanism for Rural Special Improvement Districts and Special Improvement Districts to be considered jointly. Mike Black said the County is considering impact fees and other funding mechanisms.

**8b. Staff Presentation. Board Discussion. “Planning Board 101” Monica Plecker, Planning Division Manager**

Ms. Plecker stated this is an overview and staff will provide a presentation on the MPO during a future meeting. Tonight’s presentation focuses on the subdivision review process since the Planning

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Board primarily reviews City and County major subdivision plats. She challenged Board members to comment based on findings impacts that can be reasonably resolved with conditions of approval. Staff will send this presentation to the members of the Board and have a review during a future meeting.

### “Planning Board 101”

#### City/County Planning What We Do:

##### **Current Planning**

- Annexation
- Zoning
- Subdivision\*\* (focus of this presentation)

##### **Long Range and Neighborhood Planning**

- Growth Policies
- Transportation Plans

##### **Transportation Planning**

- Metropolitan Planning Organization

**Land Use Is:** Big, Broad, Complicated, Multi-step, Cumulative, Rooted in process, requires findings and a clear record and has consistent outcomes

**Process:** Process provides confidence for the public, elected officials, developers and staff. There is value in consistency. The steps and processes are not new in the sense that our memos outline the steps leading to them – application submittal, board or commission review and actions

#### Subdivision:

- ➔ Pre-Application Meeting Required: Preliminary Plat application must be submitted within 6 months
- ➔ Preliminary Plats consistent with BMCC 23-400: Deviation from any of Development requirements requires variance approval
- ➔ Variances 23-11
- ➔ Parkland 23-2000: Parkland Dedication is a percentage based on lot size or in the case of multi-family density
- ➔ Residential Parkland Dedication Requirements

#### **Preliminary Plat Application includes:**

- ➔ ◦ Draft SIA with Waiver (subject to 20 years 76-3-608(7))
- ➔ ◦ Environmental Assessment or Summary of Probable Impacts (when required)
- ➔ ◦ Traffic Accessibility Study (Trip generation, trip distribution, traffic assignment, capacity analysis, evaluation and recommended access plan, including access points or modification and mitigation measures. Analysis of peak our site traffic and total traffic both AM/PM,
- ➔ ◦ Preliminary Water and Sanitation Information
- ➔ ◦ Draft CCR's
- ➔ ◦ Draft Articles of Incorporation for HOA
- ➔ ◦ Master Plan (If applicable)
- ➔ **Subdivision Improvements Agreement (SIA)** - requirement for every subdivision. It is a binding agreement outlining the requirements of the developer and all public improvements.
- ➔ **Waiver of Right to Protest:** The Waiver of Right to protest is required to be executed by the developer at the time of final plat approval. The waiving of rights transfers to all subsequent land owners
- ➔ **Environmental Assessment/Probable Impacts**
- ➔ **Traffic Accessibility Study:** Required when development generates 500 or more vehicular trips per day

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**Review for Sufficiency of Documents:** Completeness versus sufficiency-Up to 15 days to determine sufficiency. If sufficient, then departmental review

**Staff Review, Findings & Proposed Conditions** - Multi-departmental. There must be findings to support conditions – cross reference in Findings of Fact. MCA 76-03-608.

**Planning Board Hearing and Review:** The Planning Board reviews each application twice

- Plat Review Meeting – 1st meeting of the month
- Public Hearing (76-3-605) and Action – 2nd meeting of the month

The Planning Board makes a recommendation for the findings of fact and action on the proposed: subdivision. The Planning Board can add additional conditions but must articulate it.

**City Council Action:** Preliminary plat with conditions of approval is placed on the consent agenda – the Council can approve, deny or approve with conditions the application MCA 76-3-608(5). The governing body may not unreasonable restrict development of land and the developers preference for mitigation measures must be given due weight. The Public can speak on the item during the public comment on non-agenda topics Preliminary plat approval does not allow any sort of deviation from city regulations or codes.

**Next Steps: Between Preliminary Plat and Final Plat Applicant** begins work to complete conditions and required improvements

### **Final Plat Application 23-307:**

#### **A. Check print Review**

- Review for outstanding conditions
- If information is missing or developer cannot provide conditions have been met, staff will reject the application

#### **Council scheduling**

- Consent Agenda
- Public may comment during public comment period
- Council shall approve

- ➔ **Traffic Accessibility Study Outcomes:** Install improvements, make financial contributions or participate in SID. Traffic Signal or Roundabout, Intersection Improvements Off-Site Improvements (Street Widening, Turn Lanes, Pedestrian Improvements, Signing and Striping)
- ➔ **Preliminary Water and Sanitation information** - If subdivision is within city limits, subdivider shall complete sanitary sewer and water system facilities in accordance with requirements of the City and MDEQ. Preliminary plat must show proposed water and sanitary sewer facilities
- ➔ **Other:** Draft CCR's, Draft Articles of Incorporation for HOA.Master Plan (If applicable)

### **Summary**

Land Use is process heavy but is consistent with state statute

- Regulations inform development how to happen and to what standard, not if it can happen
- (within reason)
- Decisions are cumulative

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## **CITY/COUNTY PLANNING BOARD**

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- Before a building permit is granted, multiple levels of city-wide (including governing body) review has occurred
- Land use is time consuming
  - Limits of Annexation once per year
  - Zoning and Annexation 75 days
  - Preliminary Plat Review 60-80 working days
  - Final Plat (once all conditions have been met – up to 3 years) – 35 working days

### **9. OTHER BUSINESS**

#### **9a. (Standing Item) Long Range Strategic Issues and an overview of future City and County issues and projects.**

**Announcement:** The next meeting will be held on Tuesday, February 14, 2023.

**ADJOURNMENT: 7:27 PM**

**APPROVED BY A MOTION February 14, 2023**

***Tamara L. Deines, Planning Clerk***